



THE CITY OF NEW YORK  
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April 1, 2024

**VIA ECF**

Honorable J. Paul Oetken  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Robert Murray, as Leviticus Lucifer v. C.O. John Doe, et al.,  
22 Civ. 973 (JPO) (GS); and  
Robert Murray, as Leviticus Lucifer v. C.O. John Doe, et al.,  
22 Civ. 638 (JPO) (GS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the above-referenced matters. Pursuant to the Court's March 1, 2024 and March 19, 2024 Orders, I write to respectfully provide a status update with respect to Plaintiff's ability to confer, due to his incarceration status, with defense counsel.

By way of background, on February 21, 2024, Defendants initially requested a stay of Plaintiff's 22-cv-973 matter, as our Office had been informed by the New York City Department of Correction ("DOC") that Plaintiff was transferred from DOC custody to a New York State hospital for medical treatment, and therefore, Plaintiff was unable to communicate and confer with defense counsel and move forward with the litigation of his case until such time he was transferred from the hospital back to DOC custody. See Civil Docket for Case #: 1:22-cv-00973 (JPO) (GS) at Docket Entry No. 48. On March 1, 2024, Your Honor granted a stay of Defendants' deadline to file their motion for summary judgement, and further ordered Defendants to file a status update every thirty (30) days beginning on April 1, 2024. See id. at Docket Entry No. 49. Similarly, on March 20, 2024, Your Honor granted a stay of Plaintiff's 22-cv-638 matter, pending the parties' settlement discussions. See Civil Docket for Case #: 1:22-cv-00638 (JPO) (GS) at Docket Entry No. 59.

Earlier today, our Office was informed by DOC that Plaintiff was recently transferred from the New York State hospital back to City correctional custody. Upon information and belief, Plaintiff is currently incarcerated at West Facility, 16-06 Hazen Street, East Elmhurst, New York 11370<sup>1</sup>, and at this time, the undersigned is in the process of attempting to schedule a telephone call with Plaintiff.

As Your Honor is aware, the undersigned is handling the defense of four matters brought by Plaintiff<sup>2</sup> and is currently in the process of assessing all of those cases for a potential global settlement. To the extent the parties are unable to resolve the matters, Defendants still intend to file a motion for summary judgment in the instant matters.

Accordingly, Defendants in the above-referenced matters respectfully request a continuance of a stay of both matters, including the deadline for Defendants to file their motion for summary judgment, until such time that the parties have an opportunity to engage in settlement discussions for potential global resolution of Plaintiff's four pending matters in SDNY, and whether such a resolution is possible prior to filing a motion for summary judgment. To the extent the Court is inclined to grant the instant request, Defendants respectfully submit that they can provide the Court with a status update thirty (30) days from the submission of this letter.

This Office thanks the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Eun Jee (Esther) Kim

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Special Federal Litigation Division

cc: **VIA FIRST-CLASS MAIL**  
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<sup>1</sup> Defendants respectfully note that Plaintiff has not filed any Change of Address in the instant matters, or in any of his other pending matters as to his current location.

<sup>2</sup> The undersigned is assigned the following Plaintiff's matters currently pending in the Southern District of New York: 22-cv-638; 22-cv-973; 21-cv-6718; and 22-cv-226.